

**REMARKS**

The present Office Action is in the form of an Election/Restriction Requirement requiring the applicants to elect a single invention from the claims presented.

Accordingly, the applicants elect the claims of Group II including claims 2-11, 17-26, 31-33 and 40-41, drawn to a method for modulating the expression of a selected gene comprising the use of a molecule comprising a nucleic acid binding portion and a modifying portion. This election is made with traverse.

In addition, with the election of either Group I or Group II, further restriction has been required between Groups III-VI. In response to this requirement, applicants elect Group VI, which includes claim 5 drawn to a method according to claim 1 or 2 wherein the repressor or modifier is all or a portion of a component of a polypeptide which binds to or facilitates the recruitment of a histone acetyltransferase complex. It is believed that claims 6, 9-11, 17-26, 31-33 and 40-41 appear to read on the selected species.

Whereas the Examiner has required restriction under 35 USC § 121 and 372, applicants maintain that the claims are sufficiently closely related that restriction should not be required and the applicants respectfully request that the requirement be withdrawn. This is particularly true with respect to the linking nature of claims 1 and 2 and it is not believed that the examination of all the claims would put an undue burden on the

Examiner in searching the relevant art. As necessary, claims will be indicated as withdrawn in the event that the restriction requirement is made final.

Early examination and allowance of the claims is respectfully requested.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

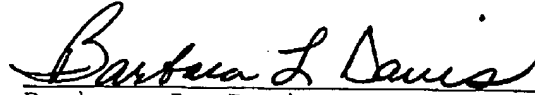


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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Response in reply to an Official Action of January 11, 2007 and a Petition for a one-month extension of time in application Serial No. 10/824,584, filed on April 8, 2004, of Stephen Hart et al, entitled "CONTROL OF GENE EXPRESSION USING A COMPLEX OF AN OLIGONUCLEOTIDE AND A REGULATORY PEPTIDE", and a transmittal letter are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 27, 2007.



Barbara L. Davis

On behalf of C. G. Mersereau

Date of Signature: February 27, 2007

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